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MEMO ENDORSED

March 23, 2021

By ECF

The Honorable Colleen McMahon
Chief United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Fraser v. City of New York, et al.*
No. 20-cv-4926 (CM)

Dear Chief Judge McMahon:

I am writing to request permission to file a sur-reply memorandum of no more than three pages to the Defendants' reply in support of their motion for partial judgment on the pleadings. The Defendants rely on two relatively old Second Circuit cases they could have cited in their opening brief, but did not: *United States v. Rosner*, 516 F.2d 269 (2d Cir. 1975), and *Morgan v. Salamack*, 735 F.2d 354 (2d Cir. 1984). These cases, however, concerned tangential impeachment information known to witnesses who were not part of the prosecution team, and were decided before *Kyles v. Whitley* made clear that prosecutors have imputed knowledge of favorable evidence known to police officers working on the prosecution's behalf. 514 U.S. 419, 437-38 (1995).

Respectfully submitted,

/s/

Matthew A. Wasserman

3/24/2021
No need for
any sur-reply
your letter made
your point

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 3/24/2021